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John M. Fowler
Executive Director



Preserving America's Heritage

December 10, 2013

The Honorable Darrell Issa
Chairman, Committee on Oversight and Government Reform
House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515

Re: *Agency Comments Regarding "Changes to the Height Act: Shaping
Washington, D.C. for the Future Part II," Committee Hearing, December 2, 2013*

Dear Mr. Chairman:

The Advisory Council on Historic Preservation (ACHP) is an independent federal agency responsible for promoting the preservation, enhancement, and sustainable use of our nation's diverse historic resources. The National Historic Preservation Act (16 U.S.C. 470) (NHPA), which created the ACHP, charges it with advising the President and the Congress on historic preservation matters. Given this statutory role, we participated in the discussions conducted jointly by the National Capital Planning Commission (NCPC) and the District of Columbia Office of Planning (DCOP) regarding possible modifications to the Height of Buildings Act (Height Act) (DC ST § 6-601). Given the important historic preservation issues presented in amending the Height Act, we are pleased to provide you with the ACHP's comments, which were developed with input from its members.

The District of Columbia contains a collection of historic properties that is unique in the nation. At the heart are the federally owned monuments that are pre-eminent national icons. Underlying these is the L'Enfant Plan, which orders the city, establishes critical viewsheds, and generally defines the nationally significant landscape of the city. Beyond the L'Enfant City, the District of Columbia contains numerous individual historic districts and landmarks that comprise the heritage of the Washington community dating back to the 1700s. For the past century, the Height Act has been an essential element in protecting the historic character of the city in its entirety. Alterations to that component require careful consideration of their potential impact on this complex and interrelated tapestry of nationally and locally significant properties.

As it ensures maximum protection of and consideration for historic properties, we support the NCPC's recommendation to retain the Height Act in place within the L'Enfant City, the plan for which is listed in the National Register of Historic Places (National Register). In areas outside of the L'Enfant City and where there is less of a

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concentration of federal interests but still a large number of historic properties, additional study and public consultation should occur to determine whether strategic changes to the Height Act would impact historic properties. Should future zoning revisions become necessary in those areas, the ACHP believes it important that the DCOP, and the NCPC as appropriate, consider impacts to historic properties early on in the planning process.

While we have no objection to the recommendation regarding penthouses, or rooftop additions, the NCPC should consider ways to ensure that 20' high "existing and future" penthouses on National Register-listed or -eligible historic buildings, which may be permitted in a Height Act amendment, are designed to be consistent with the *Secretary of the Interior's Standards*. Rooftop additions which change a property's historic character can disqualify development projects from taking advantage of the federal historic tax credits program. This program has been an important economic development tool in the District of Columbia that was critical in financing nearly \$600 million in total development expenditures, and resulted in 3,390 construction jobs and 2,051 permanent jobs in D.C. between 2001 and 2012.

Finally, the ACHP supports the NCPC's recommendation that the city's most significant viewsheds, including those to and from the U.S. Capitol and the White House, should be "further evaluated and federal and local protections established." Recognizing that there are important historic sites including many in federal ownership throughout the city, we encourage the same approach for historic viewsheds outside of the L'Enfant City and within the topographic bowl.

Historic properties in Washington, D.C. are a source of pride for residents, visitors, and all Americans, making the city an enjoyable place to live, a destination for heritage tourism, and a model of economic vitality. We encourage you to consider these values as changes to the Height Act are contemplated. Thank you for the opportunity to provide written comments for the record. Should you have any questions, please contact Mr. John Fowler, ACHP Executive Director, at (202) 606-8514 or via e-mail at jfowler@achp.gov.

Sincerely,



Milford Wayne Donaldson, FAIA
Chairman